

EXHIBIT 27

Darrin Johnson
3/13/2018

Page 1

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

4 GABRIELLE WILLIAMS,

5 Plaintiff,

6 Case No:

7 - vs - 2:17-cv-11381-SJM-EAS

8 HONORABLE
9 STEPHEN J. MURPHY, III

9 OAKWOOD HEALTHCARE, INC., d/b/a

10 BEAUMONT HOSPITAL-DEARBORN, a

11 Michigan non-profit corporation,

12 Defendant.

13 _____ /

14

15 The Deposition of DARRIN JOHNSON

16 Taken at 15500 Lundy Parkway

17 Dearborn, Michigan

18 Commencing at 1:31 p.m.,

19 Tuesday, March 13, 2018

20 Before Sheila D. Rice, CSR-4163, RPR, RMR

21 Notary Public, County of Wayne

22

23

24

25

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1 APPEARANCES:
 2 LAW OFFICES OF CHUI KAREGA
 3 19771 James Couzens Highway
 4 Detroit, Michigan 48235
 5 (313) 864-0663
 6 By Chui Karega (P27059),
 7 Appearng on behalf of Plaintiff,
 8
 9 BUTZEL LONG
 10 41000 Woodward Avenue
 11 Bloomfield Hills, Michigan 48304
 12 (313) 225-7028
 13 By Rebecca S. Davies (P52728),
 14 Appearng on behalf of Defendant.
 15
 16 ALSO PRESENT:
 17 Shannon Wojcik
 18 Gabrielle Williams
 19
 20
 21
 22
 23
 24
 25

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WITNESS INDEX		
Witness	Examined by	Page
Darrin Johnson	Mr. Karega	5
	Ms. Davies	62

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5	Posting by Mr. Johnson on Messenger	63

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1 Dearborn, Michigan
 2 Tuesday, March 13, 2018
 3 1:31 p.m.
 4 - - -
 5 DARRIN JOHNSON,
 6 was thereupon called as a witness herein and, after
 7 having first been duly sworn to testify to the truth,
 8 the whole truth and nothing but the truth, was examined
 9 and testified as follows:
 10 MR. KAREGA: State your full name, please?
 11 THE WITNESS: Darrin Stephen Johnson.
 12 MR. KAREGA: Your address?
 13 THE WITNESS: 26630 Crystal Avenue.
 14 MR. KAREGA: City?
 15 THE WITNESS: Warren, Michigan.
 16 MR. KAREGA: How long have you lived there?
 17 THE WITNESS: For about two years now.
 18 MR. KAREGA: My name is Chui Karega and I'm
 19 going to ask you some questions.
 20 THE WITNESS: Okay.
 21 MR. KAREGA: I'm the attorney for Ms.
 22 Williams. I just want to have a little conversation
 23 with you about things that we believe relate to her
 24 lawsuit that she's filed against the hospital.
 25 THE WITNESS: Okay.

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1 MR. KAREGA: If you don't hear my question or
 2 don't understand it, don't try to answer it. Tell me
 3 you didn't hear it, tell me you didn't understand it.
 4 I'll try to rephrase it, speak louder, whatever.
 5 THE WITNESS: Okay.
 6 MR. KAREGA: If Ms. Davies here says
 7 "objection," that's a legal term, but if you hear her
 8 say that you should stop talking. And then she'll say
 9 what her objection is and I'll probably respond to it
 10 and then we'll get an answer from you.
 11 THE WITNESS: Okay.
 12 MR. KAREGA: We'll let the judge decide who's
 13 right or who's wrong. Do you understand that?
 14 THE WITNESS: Okay.
 15 MR. KAREGA: Is there anything I've said to
 16 you so far that you don't understand?
 17 THE WITNESS: No.
 18 MR. KAREGA: Have I been provided the entire
 19 personnel file?
 20 MS. DAVIES: Yes, you have.
 21
 22 EXAMINATION
 23 BY MR. KAREGA:
 24 Q. Tell me the extent of your formal education starting
 25 with when you finished high school?

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- 1 A. When I finished high school, I went to Macomb Community
 2 College. Then after that I went and transferred over
 3 to Oakland Community College and took a couple of
 4 classes. And I went to Dorsey Schools for medical
 5 assistant. Then I got hired at DMC -- no. I got hired
 6 at Ideal Home Physicians doing home health care, got a
 7 job at the Detroit Medical Center and then was hired
 8 until I quit. I currently go to WC3.
 9 Q. Did you get an associate's degree?
 10 A. Did I get one?
 11 Q. Have you had one, yes.
 12 A. No, not yet.
 13 Q. Where did you finish high school?
 14 A. Frederick Douglass High School.
 15 Q. What city is that in?
 16 A. Detroit. Well, it was in Detroit. I'm not sure if
 17 it's still open now.
 18 Q. Where was it located?
 19 A. On Mack and Chene.
 20 Q. What year did you finish?
 21 A. 2002.
 22 Q. When did you start at Ideal Home Physicians?
 23 A. I believe that was in two thousand -- what year was
 24 that -- it was about 11, 12 years ago.
 25 Q. About 2007, two thousand --

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- 1 A. 2007, 2008.
 2 Q. And how long did you work there?
 3 A. For about a year.
 4 Q. And when did you start at DMC?
 5 A. About a year after that, but I worked both of those
 6 jobs for a little while, then let Ideal Home Physicians
 7 go. I stayed at DMC for almost two years.
 8 Q. Until about 2010?
 9 A. Yes.
 10 Q. So you've been at Oakwood ever since then?
 11 A. Yes.
 12 Q. And what's your position there?
 13 A. I'm a lead phlebotomist.
 14 Q. What's a phlebotomist?
 15 A. Person who draws blood.
 16 Q. What kind of training did you get for that position?
 17 A. Regular training anyone else. How to draw blood, what
 18 techniques are best to use, how -- what to do as far as
 19 patient care. Yeah. So that's about it.
 20 Q. Was that training at Oakwood or --
 21 A. No. That was at Dorsey Schools when I went for the --
 22 to be at medical assistant.
 23 Q. Did you get a certificate from Dorsey or anything like
 24 that?
 25 A. Yes.

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- 1 Q. Have you gotten any other kind of license like a
 2 nursing license, a RN or anything of that nature?
 3 A. No, not yet.
 4 Q. Are you pursuing that?
 5 A. Yes.
 6 Q. Where at?
 7 A. WC3.
 8 Q. How much time do you got to go?
 9 A. I have a few more math classes to take. Then I can
 10 enroll into the nursing program.
 11 Q. Do you have a Facebook account?
 12 A. Yes.
 13 Q. How many friends do you have?
 14 A. That I don't know.
 15 Q. Approximately?
 16 A. Maybe 2-, 300 something, I'm assuming.
 17 Q. 200 to 300. I've got a document here we're going to
 18 have marked as Exhibit 5. I'm going to ask you is that
 19 one of your posts off of Facebook?
 20 Excuse me for sliding it over like that.
 21 A. Yeah, this is me.
 22 MS. DAVIES: Has this ever been produced to
 23 us before?
 24 MR. KAREGA: Yeah, in our production of
 25 documents.

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- 1 MS. DAVIES: Okay. I don't -- I can't speak
 2 that he has --
 3 THE WITNESS: Yeah, we have this. Yeah.
 4 BY MR. KAREGA:
 5 Q. Who authored this? Are you the author of it? You
 6 wrote it?
 7 A. I wrote it, yes.
 8 Q. Is that a personal Facebook post or is that a Oakwood
 9 Facebook post?
 10 A. That's personal.
 11 Q. It would seem to talk about a doll that was involved at
 12 Oakwood. Am I right about that?
 13 A. Right.
 14 Q. And it says, "Gabrielle." Are you talking there about
 15 Gabrielle Williams, the Plaintiff in this case?
 16 A. Yes.
 17 Q. She was a co-worker of yours at the time; correct?
 18 A. Yes.
 19 Q. I don't see a date on this. Do you know what date you
 20 posted this?
 21 A. That I don't know.
 22 Q. Do you still have all your posts?
 23 A. From that, no, I don't.
 24 Q. No. I mean on Facebook. Do you save your posts or
 25 discard them or what happens to them?

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1 A. I save them. They should all be on my timeline, yeah.
 2 Q. On your what?
 3 A. Timeline.
 4 Q. Timeline?
 5 A. Yes.
 6 Q. Okay. So if you were asked you could retrieve it if
 7 you wanted to?
 8 A. That I don't know.
 9 Q. Okay. Now, do you know what generated you to write
 10 that post?
 11 A. Yeah. I was tagged in a post that was made about --
 12 not tagged. I'm sorry. I was screen-shotted a post
 13 that was made by Gabrielle about a doll that was given
 14 to me at work.
 15 MS. DAVIES: Can I just -- I'm into Facebook,
 16 too, but this said it's on a messenger, and I believe
 17 that messenger is different than -- you keep using the
 18 phrase "post," okay.
 19 MR. KAREGA: He can tell me that --
 20 MS. DAVIS: Okay. I just --
 21 MR. KAREGA: -- if that's the situation.
 22 MS. DAVIES: Okay.
 23 BY MR. KAREGA:
 24 Q. I don't know much about Facebook, because I don't have
 25 a Facebook account.

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1 A. Because of Gabrielle's post about the issue being swept
 2 under the rug and saying that people at the hospital
 3 were being mistreated and a bunch of racists and stuff
 4 like that, you know. I didn't agree with that, you
 5 know, and I wanted people to know that that wasn't the
 6 case.
 7 Q. Okay. What people at the hospital did you believe --
 8 strike that. Let me ask it this way:
 9 You worked in the phlebotomy lab at Oakwood
 10 Hospital?
 11 A. Yes.
 12 Q. That's where you still work?
 13 A. Yes.
 14 Q. Tell me what your duties are there?
 15 A. My duties are to coordinate the lab draws, see to it
 16 that patients' critical labs are drawn in a proper
 17 amount of time so that the results can get back to the
 18 doctors. And so I split the workload up and to make
 19 sure that everyone's doing what they're supposed to be
 20 doing.
 21 Q. Any other leads like you or were you the only --
 22 A. There's four of us.
 23 Q. All of you work the same shift?
 24 A. No. We all work different shifts. Sometimes one or
 25 two people may overlap, but, no, we all work different

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1 A. Okay.
 2 Q. So can you tell me what you were talking about. You
 3 were -- you say tagged or --
 4 A. No, I wasn't tagged.
 5 Q. Oh. You were snapped?
 6 A. Someone took a snap, like a picture on their phone, and
 7 sent it to me asking what was going on and saying that
 8 Gabrielle was making a big deal about a doll that was
 9 given to me.
 10 Q. This says, "Hello, Shyniece."
 11 A. Yes. Shyniece -- well, was a person who I don't know,
 12 was one of the people who made a comment about
 13 Gabrielle's post, because they believe that there was a
 14 race issue, which wasn't. So I just wanted for her to
 15 know that that wasn't the case, her and another person,
 16 I believe.
 17 Q. Tell me what Shyniece said that you saw that made you
 18 make this response?
 19 A. I don't recall what Shyniece said.
 20 Q. But you said she thought the doll was a race issue?
 21 A. She made a comment about it. Everybody -- whoever I
 22 responded to made a comment about it. What that
 23 comment was, I don't recall.
 24 Q. Okay. But you said earlier that Shyniece thought it
 25 was a race issue. What do you mean by that?

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1 shifts.
 2 Q. What was your shift?
 3 A. 12 a.m. to 12 noon.
 4 Q. Twelve hours a day how many days a week?
 5 A. Three days one week, four days the other.
 6 Q. And who were the other leads, their names?
 7 A. At that time Nicole Brown, Marisa Anderson and Hiba --
 8 I don't know Hiba's last name.
 9 Q. Do you know Alicia?
 10 A. I know Alicia.
 11 Q. Who's that?
 12 A. She was a co-worker. Yeah, a friend.
 13 Q. Was she a phlebotomist?
 14 A. She was a phlebotomist, yes.
 15 Q. Does she still work for Oakwood?
 16 A. Not at that hospital, no.
 17 Q. Which one?
 18 A. Annapolis.
 19 Q. How do you know that?
 20 A. Because that's where she transferred to. Everybody
 21 knew she transferred to Annapolis. They had a
 22 going-away party for her.
 23 Q. Who is "they"?
 24 A. Co-workers, other phlebotomists, people in the lab.
 25 Q. Had a going-away party for her at the lab or off site?

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- 1 A. You can rent like a -- well, not rent, but reserve a
2 room like this and, you know, they just had her like
3 cards and, you know, snacks and stuff like that.
4 Q. It's like a promotion, huh?
5 A. Not like a promotion at all. She just transferred to a
6 new hospital that was closer to where she lived.
7 Q. Where did she live?
8 A. Was it Wayne, I believe, that was that way or something
9 like that.
10 Q. So she went to Annapolis Hospital did you say, or which
11 one did you say?
12 A. Annapolis.
13 Q. And what's her last name?
14 A. She's married now. I don't know her last name. Her
15 previous name was Oslowsky (ph).
16 Q. Now, you say she was a co-worker and a friend. What do
17 you mean by friend?
18 A. We had a brief relationship at one point.
19 Q. Brief relationship means what?
20 A. We dated.
21 Q. Sexual encounter?
22 A. Yeah, we did.
23 Q. Over what period of time?
24 A. Maybe a month or two, maybe three.
25 Q. Okay. And she was working in a position subordinate to

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- 1 A. Oh. They're processors.
2 Q. What does that mean?
3 A. They process the blood that comes down from the floors
4 in the receiving end and get it back to be tested.
5 Q. Now, at the time that you are Alicia were having this
6 affair you were married, weren't you?
7 A. Separated.
8 Q. That means married, doesn't it?
9 A. Yes, yes, married.
10 Q. Okay. Did you have a sexual relationship with any
11 other employees at work?
12 A. Well --
13 MS. DAVIES: Objection, relevancy.
14 BY MR. KAREGA:
15 Q. I'll take your answer.
16 A. I can respond now?
17 Q. Yes.
18 A. Yes, I did.
19 Q. Who were the others?
20 A. It was just one other, Kelly Brohl.
21 Q. Kelly Rowe?
22 A. Brohl.
23 Q. Brohl. Kelly's one of your Facebook friends, too?
24 A. I don't think -- no.
25 Q. You don't think so?

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- 1 you at that time?
2 A. Yes.
3 Q. Were you her supervisor so to speak?
4 A. Yes.
5 Q. You were her lead -- okay. And anybody else in your
6 unit know that the two of you were having a
7 relationship?
8 A. Other people did.
9 Q. Like who?
10 A. Some friends, other people we hung out with outside the
11 job.
12 Q. No. I mean anybody on the job know?
13 A. I'm sorry. What?
14 Q. Did anybody on the job know that the two of you were
15 intimately involved?
16 A. Some co-workers did, yes.
17 Q. Who did?
18 A. Oh. You want me to give names?
19 Q. Yeah.
20 A. Michael Nelson, Lavell. I don't recall Lavell's name.
21 Q. Lavell's one of your Facebook friends, isn't he?
22 A. Now I believe he is, yeah. Yes.
23 Q. Michael Nelson is, too?
24 A. Michael Nelson is, yes, he is. I don't know. Just ...
25 Q. What jobs did Michael Nelson and Lavell have?

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- 1 A. No, she's not a Facebook -- no.
2 Q. I thought I saw her name. When was this relationship
3 with Kelly?
4 A. It was before Alicia.
5 Q. Alicia was what year?
6 A. 2017 -- no, '16. Maybe '16 going into '17.
7 Q. Was Kelly the same year or the year before?
8 A. The same, maybe a few months before.
9 Q. What was your relationship with Janice Davis?
10 A. She was my manager.
11 Q. Did you ever have a personal relationship with her?
12 A. No.
13 Q. You were rather friendly with her, weren't you?
14 A. What do you mean rather friendly?
15 Q. Touchy-feely friendly.
16 A. Never, never. No, no.
17 Q. Now, there came a time I guess when your wife got a
18 message about your behavior with co-workers. Do you
19 recall that?
20 A. She got a message, but it wasn't entirely about my
21 behavior with co-workers.
22 Q. It included not only your behavior with co-workers, but
23 reference to the Black doll that was on the premises;
24 correct?
25 A. Yes.

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1 Wait. It wasn't a Black doll. It was a doll
2 that was colored with a Sharpie.
3 Q. A black colored -- strike that.
4 The doll at first was White; correct?
5 A. Right.
6 Q. Let me show you a picture here. I've got something
7 here somewhere.
8 This is Exhibit 2. Does that look like the
9 doll before it was colored?
10 A. That's the doll, yes, sir.
11 Q. Okay. Do you know who changed the appearance of that
12 doll?
13 A. Yeah, I do now know who -- yes, I do.
14 Q. You do now?
15 A. Yeah, I know.
16 Q. When did you learn?
17 A. Well, a few days after it was colored.
18 Q. How did you learn who colored it?
19 A. Other people told me once it started to get out of
20 hand. Other people told me.
21 Q. What do you mean by get out of hand?
22 A. When the whole race issue came up.
23 Q. Okay. Who colored it?
24 A. Alicia did.
25 Q. Okay. And how do you know that Alicia colored it?

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1 A. Because people told me about her reaction. When I
2 asked her, I figured it was her who did it.
3 Q. Why did you figure it was her?
4 A. Because the way she laughed when I asked her about it,
5 like, "Yeah, it was me."
6 Q. When was it that -- do you recall the date that you
7 talked to Alicia about this?
8 A. I don't know. It was so long ago, I don't recall the
9 date at all.
10 Q. Did you ever tell anybody at Oakwood that you didn't
11 know who colored it?
12 A. I mean, at the time I did, because I didn't.
13 Q. At the time you said you didn't know because you didn't
14 know at that time?
15 A. Yeah, because I didn't know.
16 Q. But once you found out that Alicia did it did you go
17 back and tell the folks, hey, I found out Alicia did
18 it?
19 A. No, I didn't. I wasn't aware that I had to.
20 Q. Is Alicia a White woman?
21 A. Mexican.
22 Q. Mexican?
23 A. Well, she's mixed. She's Mexican. Her father was
24 Mexican and her mother is White.
25 Q. Okay. You know technically I have to check the

Page 20

1 government's regulations, because realistically only
2 the government can define your race for you and --
3 seriously, I'm not being funny.
4 A. Okay.
5 Q. And they have these whole tables that define what race
6 you are based upon who your parents are and who their
7 parents are, et cetera, et cetera, et cetera. So I
8 wasn't trying to be funny --
9 A. I understand.
10 Q. -- when I asked was she a White woman.
11 What did you say her last name was,
12 Oshanasey (ph)?
13 A. Osłowsky.
14 Q. Osłowsky?
15 A. Osłowsky.
16 Q. Did she ever tell you anything about her ethnicity?
17 A. About just -- you know, I met her mother, and she told
18 me about her father who passed away.
19 Q. And he was of what ethnicity?
20 A. Mexican.
21 Q. Her father was Mexican?
22 A. Yes.
23 Q. Mother was ...
24 A. White.
25 Q. This is what I think to be a picture of the doll after

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1 it had been changed with a Sharpie.
2 A. Yeah, it was definitely changed. I made the -- I drew
3 the gym shoes on it. And I even colored the bottom lip
4 to be pink like mine, but whoever took this doll
5 changed the whole mouth and made the mouth white all
6 around. That doll wasn't like that when it was on the
7 desk the last time I seen it.
8 Q. When was the last time you saw it?
9 A. That I don't remember the date at all.
10 Q. What about the eyes?
11 A. The eyes were -- they were darkened also. The eyes
12 weren't like that either.
13 Q. So at some point you saw this doll and what did the
14 eyes look like when you saw it?
15 A. Well, I tried to make them more to be like slanted more
16 like mines.
17 Q. You mean you changed the eyes?
18 A. Yeah. I did the pink on the lip, because I liked the
19 doll. I mean, I called it a little mini-me. I
20 actually liked it, and I had it set up in front of my
21 computer like anybody else would have something they
22 like sitting in front of theirs, you know, and I didn't
23 see a problem with it, you know. Everybody we all
24 laughed and joked about it, you know. I had it like a
25 little me.

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- 1 Q. Who is "we all" laughed and joked about it?
 2 A. Me, co-workers, phlebotomists, processors.
 3 Q. Tell me their names?
 4 A. I don't recall who exactly was in the lab at that time.
 5 So I can't give you any specific names.
 6 Q. What about Janice Davis?
 7 A. Janice Davis wasn't in the lab.
 8 Q. Did she ever see you?
 9 A. She saw it.
 10 Q. What did she say?
 11 A. She asked where it came from, and I said I don't know,
 12 you know, and that was that. I told her it was a
 13 little mini-me.
 14 Q. But you did know, didn't you?
 15 A. At that time, no, I didn't know.
 16 Q. You said you had it sitting in front of your computer?
 17 A. Yeah, for about a day or two.
 18 Q. Where had it sat before?
 19 A. In front of my computer.
 20 Q. Before it sat in front of your computer?
 21 A. It was there -- when I came down off the floor one day,
 22 it was at my computer. I didn't see it at first so
 23 everyone was looking at me. And then I saw it and then
 24 I bust out laughing, you know. And that's when the
 25 whole little mini-me started about. So it stayed that

Page 23

- 1 entire time until it was taken away.
 2 Q. Who took it?
 3 A. I don't know for sure, but I'm assuming Gabrielle took
 4 it since the picture posted up on her Facebook page.
 5 Q. You assume she took it because the picture posted up on
 6 the Facebook page?
 7 A. Yeah. She had a comment about the doll. Yes.
 8 Q. Okay. Now, I'm looking at these lips, and you said
 9 you're the guy who made them pink like that?
 10 A. It was pink under it. They're clearly colored white
 11 now around it. And I'm assuming that it was colored
 12 white like that to match the zamboo doll that it was
 13 supposedly had -- I had been reflecting.
 14 Q. You didn't see anybody change it?
 15 A. Not at all, but I know for sure that that doll was not
 16 like that the last time I saw it.
 17 Q. When you saw it, you took the doll to your computer
 18 desk; right? Is that what you're saying?
 19 A. That's where it was. That's where it stayed from the
 20 first time I saw it until the last time I saw it.
 21 Q. And how many days was that?
 22 A. Maybe two or three.
 23 Q. When it was gone, did that alarm you or concern you
 24 that your mini-you doll was gone?
 25 A. Not at all, but I was asking what happened to it, you

Page 24

- 1 know, because I actually liked the doll. Yeah.
 2 Q. And I'm interested to know, though, if anyone in that
 3 laboratory you ever heard them say they didn't like the
 4 doll?
 5 A. Never, no one whatsoever, ever heard anyone -- come out
 6 of anyone's mouth ever.
 7 Q. Did you ever hear anyone say they did like the doll?
 8 A. That they did like it?
 9 Q. That they did like it.
 10 A. Not that they did like it, but that maybe it was cute
 11 or something like that or a little Darrin, but other
 12 than that, no.
 13 Q. Who said that it was cute?
 14 A. Just co-workers like. I can't give you any exact
 15 names. It was so long ago, I mean I really can't give
 16 you exact names.
 17 Q. Did you think that image was consistent with the
 18 reputation of Oakwood Hospital?
 19 A. Do I think it was consistent?
 20 Q. Consistent with the reputation of Oakwood Hospital.
 21 A. What's the reputation of Oakwood --
 22 Q. You don't know?
 23 A. -- hospital?
 24 Q. You don't know? How old are you, sir?
 25 A. 35.

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- 1 Q. What's your date of birth?
 2 A. 12-4-82.
 3 Q. And have you ever seen any of the caricatures that were
 4 used in years past to humiliate Black people?
 5 A. Not at all.
 6 Q. You've never seen that?
 7 A. No. Well, maybe in African-American history class or
 8 something like that, but if you're leading up to
 9 referring to the zamboo doll, no, I didn't know what
 10 that was before this whole incident came about. I had
 11 no idea what it was.
 12 Q. And you went to school where? Fred Douglas?
 13 A. Um-hmm.
 14 Q. In Detroit?
 15 A. Yes.
 16 Q. Now, were you ever told to take that off your desk?
 17 A. Well, I wasn't given an opportunity for anybody to tell
 18 me, because it was already taken away.
 19 Q. So nobody ever told you to take it off your desk?
 20 A. No one had any reason for me to tell me to take it
 21 away. By the time a issue came up about the doll it
 22 was already gone. So there was no reason for anyone to
 23 tell me to take it away.
 24 I mean, the dolls were all over the hospital,
 25 other floors, other ethnicities, Chinese, White people.

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1 There were all kind of dolls of all -- you know, all
2 sorts of people everywhere. It was just something
3 people did, just made the little co-workers. So it
4 wasn't a issue whatsoever.
5 Q. Did you see any other dolls that had been altered like
6 this doll had been altered?
7 A. Like this doll, no, not at all.
8 Q. Because I've seen a picture of other dolls that were in
9 the hospital, and they were, if I might say so,
10 appeared to be a good representation of the ethnic or
11 racial group that they were reflecting. Would you
12 agree with that?
13 A. Okay. Would I agree with that?
14 Q. Yeah.
15 A. I agree that this was before this was a good
16 representation of me.
17 Q. And so it's your view that that is a good
18 representation of Black people?
19 A. Not Black people, of me.
20 Q. Of you?
21 A. Well, yeah.
22 MS. DAVIES: The doll as he describes it or
23 Exhibit 1?
24 MR. KAREGA: Exhibit 1.
25

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1 BY MR. KAREGA:
2 Q. Who wrote "Darrin" on Exhibit 1?
3 A. I'm assuming Alicia did, because that's not my
4 handwriting.
5 Q. Okay. Now, were you and Alicia intimate at the time
6 that --
7 A. No.
8 Q. -- this doll showed up?
9 A. No.
10 Q. You had broke up with her, hadn't you?
11 A. I didn't break up with her. We stopped talking, yes.
12 Q. Okay. As I understand it, when you and she stopped
13 having relations it was a rather nasty Facebook post
14 about you?
15 A. That wasn't after --
16 MS. DAVIES: Objection, relevancy. Go ahead.
17 A. That wasn't after. That was during, during the time.
18 BY MR. KAREGA:
19 Q. During?
20 A. During the time.
21 Q. You all were still hitting it and she wrote something
22 about you like that?
23 A. What did Alicia write about me? I don't know what
24 you're talking about.
25 Q. I'm talking about her friends.

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1 A. Oh. Her friends?
2 Q. Yeah.
3 A. Yeah, yes.
4 Q. You know who I'm talking about, don't you?
5 A. Yes.
6 Q. What did she write?
7 A. Pretty much she disliked that me and Alicia was
8 together and, you know, she called me some nasty words.
9 Q. Racially derogatory names; right?
10 A. Yes, yes.
11 Q. Do you want to repeat them?
12 A. Do I want to, no. Would you like me to?
13 Q. I would like you to.
14 A. She called me "niggas."
15 Q. Is that it? She called you more than that?
16 A. Well, "bitches."
17 Q. What else did she call you?
18 A. I don't recall.
19 Q. Okay. Now, she used the N word toward you, and you did
20 know that that was racially derogatory, didn't you?
21 A. Right.
22 Q. Okay. And then shortly after that you and Alicia
23 weren't intimate anymore; isn't that true?
24 MS. DAVIES: Objection, relevancy.
25 A. True. But it had, to my knowledge, nothing to do with

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1 the posting.
2 BY MR. KAREGA:
3 Q. Okay. And then shortly after you and Alicia weren't
4 intimate anymore this doll showed up; isn't that true?
5 A. That's true.
6 Q. Okay. So you don't connect the series of events?
7 A. Not at all.
8 Q. She's calling you -- her friend --
9 A. Well, that's her friend. They're two totally different
10 people. I know her friend's personality and I knew
11 Alicia's personality. Two totally different people.
12 Now, had it been Alicia being the one that
13 was calling me "niggas" and "bitches" then, yeah,
14 absolutely I would have drew a direct line, but that
15 wasn't the case.
16 Q. But you don't think that her friend could have been a
17 proxy for her, standing in for her saying things that
18 she wanted to say, but rather have a friend say them to
19 you?
20 A. If she wanted to say it, she would have said it
21 herself.
22 Q. You think?
23 A. She was that type of person, I know.
24 Q. So you think she was complimenting you by drawing that
25 doll?

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1 A. Complimenting me?
2 Q. Yes.
3 A. No. We have scrubs. When we damage our maroon scrubs,
4 we can get light blue scrubs like these. And on that
5 day I actually had on those same light blue scrubs. So
6 I wouldn't -- no. Compliment me, no. I mean, she just
7 saw a doll had on a light blue scrub, she saw a doll
8 with light blue scrubs, so little mini-me came about.
9 Q. And at that time you and she were no longer sex
10 partners?
11 A. No.
12 Q. No, you weren't or --
13 A. No, we were not.
14 Q. So anybody else, any office, ever call you those kind
15 of names?
16 A. Any office?
17 Q. In the lab. In the lab.
18 A. No, no one ever.
19 Q. Alicia's --
20 A. Alicia never called me --
21 Q. -- friend is the only one who did it?
22 A. Yes.
23 Q. And then the doll shows up?
24 A. Okay, yes.
25 Q. Yeah; right?

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1 A. Right.
2 Q. Okay. Did you ever tell anybody in the lab that Alicia
3 made that doll?
4 A. Did I ever tell anyone that she did?
5 Q. Yes.
6 A. No, I never tell anyone that she did.
7 Q. But didn't Janice ask you who made the doll?
8 A. She did.
9 Q. And you told her what?
10 A. At the time I didn't know.
11 Q. And people from corporate asked you who made the doll?
12 MS. DAVIES: Asked and answered.

13 BY MR. KAREGA:

14 Q. At corporate?

15 MS. DAVIES: Go ahead.

16 A. Yes, and at that time I didn't know.

17 BY MR. KAREGA:

18 Q. Well, when you found out, you didn't tell them?

19 MS. DAVIES: Asked and answered.

20 A. No, I didn't tell them.

21 BY MR. KAREGA:

22 Q. You couldn't tell them?

23 A. No, I didn't tell them, because I wasn't -- they never
24 told me that I had to tell them.

25 Q. But you had a interview with Shannon sitting right over

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1 there, didn't you?
2 A. Okay.
3 Q. Didn't you?
4 A. Yes, I did.
5 Q. Did you tell Shannon that you knew who made the doll?
6 A. No, I didn't tell Shannon. I may have told her that I
7 had an idea, but I didn't know for sure.
8 Q. I thought you told Shannon that you thought a
9 troublemaker was trying to get Janice fired that made
10 the doll. Didn't you tell her that?
11 A. That a -- no.
12 Q. That an employee who was trying to get Janice fired
13 made the doll?
14 A. Took the doll.
15 Q. Took the doll?
16 A. Took the doll, yes.
17 Q. Who was that you were talking about?
18 A. I'm assuming it was Gabrielle.
19 Q. Why do you say that?
20 A. Again, because it was posted on her Facebook page.
21 Q. Why would you think that Gabrielle was trying to get
22 Janice in trouble?
23 A. Because Gabrielle was having issues with her quality of
24 work I should say.
25 Q. You ever write her up for that?

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1 A. I'm not allowed -- I'm not in a position to write
2 anyone up.
3 Q. Did you ever write a note to Janice Davis who was the
4 manager that Gabrielle was having a problem with the
5 quality of her work?
6 A. At one point I don't know if I wrote her note or I gave
7 her a E-mail. Me and Gabrielle didn't work directly
8 together. We worked two totally opposite shifts. But
9 one day I did stay over to work part of the afternoon
10 shift, and Gabrielle just so happened to be working
11 that day.

12 And she had some stacks of work that needed
13 to be done and I called upon her for those for quite a
14 bit of time. So eventually I went up to go and draw
15 those labs that needed to be drawn, and her cart was
16 sitting at the end of the hallway and she was nowhere
17 to be found. And her shift was just starting. She
18 wasn't there not even two hours I would say. So there
19 was no reason for her to be on lunch or break for that
20 amount of time that she was MIA, missing in action.
21 So I may have wrote a note -- well, not may
22 have. I'm not sure if I did write a note or send
23 Janice a E-mail, or if I even told her directly about
24 the incident.

25 Q. When you found out that Gabrielle had sent your wife a

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1 Facebook post, what did you do?
 2 A. I believe I called Janice Davis at the time and told
 3 her about it.
 4 Q. Why?
 5 A. Because it was really getting out of hand for her to
 6 contact my wife, you know, and bring up stuff that had
 7 nothing to do with the doll. And then – yeah, and
 8 pretty much trying – to me was trying to ruin my
 9 marriage, because me and my wife had just not recently
 10 gotten back together.
 11 So had my wife not known about Alicia and
 12 Kelly when I came clean with each other when we got
 13 back together then that possibly could have ruined our
 14 marriage over again after we were fixing our problems
 15 from the past.
 16 Q. Why did you tell Janice Davis that?
 17 A. Because she was my manager. And the whole issue about
 18 the doll, you know, It just – you know, it angered me
 19 so somebody needed to know. And since Janice Davis was
 20 my manager and we have a chain of command that we need
 21 to follow so that's why I told her.
 22 Q. I understand. The E-mail to your wife was not --
 23 A. It wasn't a E-mail. It was a message.
 24 Q. I'm sorry. Facebook message was sent from a private
 25 Facebook account; isn't that true?

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1 A. Private?
 2 Q. Private.
 3 A. From Gabrielle's account to my wife's account through
 4 Messenger, yes.
 5 Q. So that's private. That's all private and had nothing
 6 to do with Oakwood?
 7 A. Messenger is private, nothing to do with Oakwood,
 8 right.
 9 Q. So when a message had nothing to do with Oakwood came
 10 to your wife and she relayed it to you, you brought the
 11 message into Oakwood; correct?
 12 A. No. The message that she sent had something to do with
 13 the doll that Gabrielle had connected to be a racist
 14 issue at Oakwood. So, therefore, yes, I felt it was
 15 appropriate to tell someone about it, because not only
 16 did she – was she talking about what had happened in
 17 the past with again Kelly and Alicia, she also brought
 18 up the doll saying that I should -- she don't
 19 understand why I'm not -- I'm not speaking word for
 20 word, but pretty much she don't understand why I'm not
 21 backing up and how I don't see that there was an issue.
 22 So, yeah, it absolutely had something to do
 23 with Oakwood.
 24 Q. So, if another person were to see that doll and know
 25 that you liked it and said how on earth could he like

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1 that doll, do you think that would have something to do
 2 with Oakwood?
 3 A. Not at all. Not at all.
 4 Q. So the only reason you think it had something to do
 5 with Oakwood is because Gabrielle worked there?
 6 A. No, not because Gabrielle worked there, but because she
 7 said that the people at that hospital were racist and
 8 that things were being swept under the rug and that she
 9 was being bullied by people there.
 10 Q. And do you claim that she could not believe that that
 11 doll was racist?
 12 A. That's her opinion. She don't know, didn't know the
 13 backstory to the doll. She didn't work the same shift.
 14 So, no, I can't make that claim.
 15 Q. Would it surprise you to learn that some officials at
 16 Oakwood think the doll is racist?
 17 A. It would definitely surprise me.
 18 Q. It would?
 19 A. Yeah, because they don't know the backstory either.
 20 So, no, it doesn't surprise me.
 21 Q. Were you ever disciplined for having that doll on your
 22 desk?
 23 A. I had no reason to be disciplined.
 24 Q. I didn't ask you that. I said were you ever
 25 disciplined?

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1 A. No, I wasn't.
 2 Q. And nobody ever asked you to take it down?
 3 MS. DAVIES: Asked and answered.
 4 A. Again, no one had time to tell me to take it down,
 5 because there was no issue so, no.
 6 BY MR. KAREGA:
 7 Q. So the answer is nobody ever asked you to take it down?
 8 A. Nobody ever asked me to take it down, no.
 9 Q. Janice Davis didn't ask you to get rid of it?
 10 A. She didn't, because by the time it was a issue the doll
 11 was already gone so she – no.
 12 Q. Did you tell Janice Davis that you thought that --
 13 strike that. Let me ask it this way:
 14 You said the doll became an issue, the whole
 15 racist question became an issue?
 16 A. Once Gabrielle's Facebook post came about, yes.
 17 Q. Before Gabrielle's Facebook -- strike that.
 18 Do you know when it was that you told Janice
 19 Davis about Gabrielle's Facebook post?
 20 A. I don't recall today, no.
 21 Q. And whenever it was at that same time Janice would have
 22 learned that Gabrielle was complaining about the doll?
 23 A. Yes.
 24 Q. Now, there was a point at which there was a complaint
 25 made to upper management, Human Resources and others at

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1 Oakwood Hospital. Are you aware of that, a complaint
 2 about the doll?

3 A. Explain about the doll?

4 Q. A complaint about the doll.

5 A. A complaint about the doll to upper management?

6 Q. Yes.

7 A. Yes.

8 Q. Because that's why people were coming to you and asking
 9 about the doll; right?

10 A. Right. Well, there was an anonymous caller complaining
 11 about the doll, right.

12 Q. Right. And you told Janice Davis that that anonymous
 13 caller was Gabrielle, didn't you?

14 A. No, I did not. I told Janice Davis that I had an idea
 15 of who it could be. Not only was it Gabrielle, but it
 16 was a few other people who I thought that it may have
 17 been as well.

18 Q. And who were they?

19 A. Lavell.

20 Q. Lavell, your Facebook friend?

21 A. Yeah. And he knows that I thought he was possibly one
 22 of the people -- well, the person or one of the people
 23 who had something to do with it.

24 Cheryl -- I don't know her last name.
 25 Someone who works the midnight shift as well.

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1 Janice Davis that?

2 A. Right.

3 Q. So Nicole Brown was one. What's her race?

4 A. She's African-American.

5 Q. And the other one was ...

6 A. Lavell.

7 Q. Lavell. What's his last name?

8 A. I don't recall what Lavell's last name is.

9 Q. What made you think Lavell might be the caller?

10 A. Because he's -- well, he was somewhat like Nicole, but
 11 I don't understand why because he also dated women
 12 outside of his race as well. He was, you know, just a
 13 angry dude.

14 Oh. And someone told me that -- made a
 15 comment that "you should watch your boy, because I
 16 think he's got something to do with it, too." So
 17 that's what it was. Someone made a comment. Maybe
 18 they heard him make a comment as well.

19 From my understanding, there was a group of
 20 people who were in support of the person who took the
 21 doll, but I directly went to those people and
 22 personally asked them myself and they all said that
 23 that wasn't true.

24 Q. What wasn't true?

25 A. That they were the ones who took the doll and that they

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1 And one of the leads, Nicole Brown, I
 2 possibly thought it could be her as well.

3 Q. Okay. Let me ask you one at a time. Why did you think
 4 Nicole Brown would not have liked the doll?

5 A. Because she -- how can I -- is to me one of those type
 6 of people who are extremely pro-Black, because she's
 7 made statements before about me in the past dealing
 8 with women who weren't Black. So I assumed that she
 9 could have been one of the people.

10 Q. Pro-Black, what does that mean?

11 A. You know, someone who believes that Black people should
 12 stick with Black people and that's it, who disagree
 13 with anything, anyone other than Black people.

14 Q. What does that doll have to do with being pro-Black?

15 A. From what the anonymous caller was saying, that it was
 16 a race issue. That's what it has to do with.

17 Q. Where did you learn that the anonymous caller said
 18 that was a race issue?

19 A. When I believe corporate came down to talk to me about
 20 the doll.

21 Q. So after corporate came down and talked to you about
 22 the doll you went and talked to Janice Davis?

23 A. Talked to Janice Davis referring to what?

24 Q. And you told her these are the people who I think were
 25 the anonymous caller. Didn't you just say you told

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1 had anything to do with it, because they didn't have a
 2 issue with it as well.

3 Q. There was a group of people who supported --

4 A. The people that I just named. I was told that they
 5 were in support of the person who took the doll. But
 6 when I went to those people and asked them about it
 7 they said that that wasn't true.

8 Q. So let me understand you. This Black Sambo doll comes
 9 up missing --

10 A. It's not a Sambo doll.

11 Q. What is it?

12 A. It was a doll that was colored with my name on it, a
 13 doll that was a nurse before that was still colored a
 14 nurse. I had on blue scrubs that day. I drew the gym
 15 shoes. I colored the lips in.

16 Q. The same day?

17 A. It may have been the same day, it may have been the
 18 next day, but I did it.

19 Q. Did you ever tell anybody at corporate that you did it?

20 A. Yes, sir, I sure did.

21 Q. Who did you tell that?

22 A. Whoever was there at the time. I don't recall.

23 Q. A man or a woman?

24 A. It was a man.

25 Q. The man said you told him you didn't know who did the

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1 doll. His name was Darryl Squire (ph).
 2 A. Right, but I told --
 3 Q. He said you said you don't know nothing about who put
 4 that stuff on that doll.
 5 A. No, I told --
 6 Q. Is he lying on you?
 7 A. No, he's not lying. He didn't ask me about the stuff
 8 on the doll. He asked me about where the doll
 9 generated from. But I told him I liked the doll when
 10 he had asked me if I had a issue with it. And I told
 11 him no and that I was the one who colored the lip pink
 12 and put the shoes on the doll.
 13 Q. You still like the doll?
 14 A. I mean, I could care less about the doll now. It's
 15 long gone.
 16 Q. But, if you had it, what would you do with it right
 17 now? Put it on your desk?
 18 A. I'd throw it in the garbage, because it caused a whole
 19 lot of unnecessary drama.
 20 Q. Here's what I'm trying to ask you. Why were you even
 21 talking to Janice Davis about who made the complaint
 22 outside of her department, who went over her head? Why
 23 would you even be talking to her about that?
 24 A. Why would I be talking about Janice Davis about --
 25 Q. No, to Janice Davis. Let me rephrase the question.

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1 A. Okay.
 2 Q. You said a complaint went to corporate; correct?
 3 A. Um-hmm.
 4 Q. Yes?
 5 A. Right.
 6 Q. And after a complaint went to corporate Janice Davis
 7 found out about it; correct?
 8 A. Okay.
 9 Q. Is that correct?
 10 A. Correct.
 11 Q. And when she found out about it --
 12 A. You said -- whoa. Can you ask that question again?
 13 You said after it went to corporate she found out?
 14 Q. After the complaint went to corporate she found out
 15 that the complaint had gone up to corporate office;
 16 right?
 17 A. Right.
 18 Q. When she found out, you and she had a conversation
 19 about who did it, who told corporate; right?
 20 A. Who told corporate?
 21 Q. Yeah. You and she talked about --
 22 A. We didn't have a conversation about who did it, but --
 23 because I wanted to know myself, okay. So, yeah, I
 24 told her, because again we have a chain of command that
 25 we follow. Just because it went to corporate I had no

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1 idea -- well, I don't even know if we have to go
 2 directly back to corporate, okay. She still was my
 3 manager at the time. So that's -- yeah.
 4 Q. Who initiated the conversation that you had with Janice
 5 Davis when you told her these are the people I think
 6 might have done it?
 7 A. Who initiated the conversation?
 8 Q. Yeah.
 9 A. It was so long ago, I don't recall who initiated the
 10 conversation.
 11 Q. Where did the conversation take place?
 12 A. In Janice's office.
 13 Q. Do you know why you were in Janice's office?
 14 A. No, I don't know. I don't know if I went in or if I
 15 was called in. And again, it was so long ago, I don't
 16 recall.
 17 Q. And you don't recall whether she asked you do you know
 18 or whether you just volunteered?
 19 A. No, I don't recall.
 20 Q. You've got any written notes, anything you can go back
 21 and refresh your recollection on that?
 22 A. Not at all, no.
 23 Q. But you do recall that you told Janice three names,
 24 Gabrielle --
 25 A. Four names.

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1 Q. Four names?
 2 A. Yeah.
 3 Q. Tell me those four again?
 4 A. Gabrielle, Lavell, Nicole and Cheryl.
 5 Q. Okay.
 6 A. Sherrell (ph) or Cheryl.
 7 Q. Have you told me all the reasons you thought that
 8 Lavell could have been the one?
 9 A. Yes, I did.
 10 Q. Let's talk then about why you thought that Cheryl might
 11 have been the one who called corporate.
 12 A. Because I was told that she was in cahoots with
 13 Gabrielle.
 14 Q. Who told you that?
 15 A. I don't recall.
 16 Q. What does "in cahoots" mean?
 17 A. That she was working with Gabrielle giving her
 18 information about how to go about making a complaint
 19 about the doll.
 20 Q. So you know that there were multiple people in the lab
 21 who wanted to complain about the doll?
 22 A. I thought I knew, but after approaching them about it
 23 they say it wasn't true, that they had nothing to do
 24 with the doll missing.
 25 Q. But you knew that they didn't like the doll?

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1 A. No.
2 Q. Right?
3 A. Wrong. I was told that they had a problem with it, but
4 when I approached them about it they told me they
5 didn't have a problem with the doll.
6 Q. So at some point you thought they had a problem with
7 the doll?
8 A. At some point, yes.
9 Q. And so then you fronted them off about --
10 A. I didn't front them off. I didn't front them off. I
11 asked them about it.
12 Q. Okay. You asked them about it?
13 A. Yeah.
14 Q. Is Cheryl bigger or smaller than you?
15 A. She's a heavier-set woman.
16 Are you asking if I used intimidation
17 tactics?
18 Q. I didn't ask you that.
19 MS. DAVIES: Just answer the question.
20 BY MR. KAREGA:
21 Q. You can go ahead and answer. Go ahead and answer. Did
22 you use intimidation tactics?
23 A. No, no, not at all.
24 Q. What was the tone of your voice when you walked in?
25 A. I don't recall, but I'm sure if I approached them with

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1 any negative energy they would have had something to
2 say about it.
3 Q. But you don't think that a man of your size walking up
4 to her and asking her did she have anything to do with
5 it might be intimidating?
6 A. Not at all. Actually, me and Cheryl have a great
7 relationship. So I was shocked to find out or to hear
8 that she had a problem with it.
9 Q. Okay. And Lavell was your good buddy. So you were
10 shocked to hear that he had a problem with it?
11 A. Yes, sir, very shocked.
12 Q. And Nicole was super Black so you weren't shocked about
13 her?
14 A. No, I wouldn't have been surprised.
15 Q. And Gabby, Gabrielle, was just at the top of your list?
16 A. Gabrielle was the only one who came out publicly with
17 an issue about it.
18 Q. When did she come out publicly with an issue about it?
19 A. When she made that posting.
20 Q. Anything else?
21 A. Anything else, no.
22 Q. You heard that she was talking to other --
23 A. Other people.
24 Q. Other people in the lab about it, didn't you?
25 A. Right.

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1 Q. I mean, other than the --
2 A. I heard -- didn't know for sure if she -- if it was her
3 or not, but when she made that posting I just figured
4 that it had to be her.
5 Q. But right now I'm not talking about the posting.
6 A. Okay.
7 Q. I'm talking about the lab. People were talking about
8 that doll; correct?
9 A. About --
10 Q. Whether they liked it or didn't like it?
11 A. Right.
12 Q. That was a topic of conversation around the lab at that
13 time; correct?
14 A. Um-hmm.
15 Q. Yes?
16 A. Yes.
17 Q. And the conversation -- you understood and you heard
18 that the conversation included Gabrielle's opinion;
19 correct?
20 A. Right.
21 Q. And you heard her opinion was I don't like the doll?
22 A. Right.
23 Q. Not on the post, but in the lab; right?
24 A. Right. Well, that her opinion was that -- well, from
25 her posting that somebody should have been fired about

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1 it.
2 Q. We'll deal with one thing at a time. Before we get to
3 the posting --
4 A. Okay.
5 Q. -- people were talking in the lab?
6 A. Right.
7 Q. Not about the post, because the post hadn't occurred
8 yet.
9 A. Okay.
10 Q. But about the doll itself; correct?
11 A. I believe the post had occurred.
12 Q. Okay.
13 A. Yeah, the post -- yeah. That's what all the talk was
14 about. The talk didn't come about until the post was
15 made.
16 Q. So then the posting was made and then so like people
17 started forming sides. These like it, these don't,
18 these in the middle. Is that a fair way to put it?
19 A. There was no one in the middle.
20 Q. No one in the middle.
21 A. No one, no. It was people wanting to know why it was a
22 problem being made about the doll if I didn't have a
23 problem with it and the assumption that there was a
24 group of people that had a problem with it, but a very
25 small group of people, the ones that I named.

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- 1 Q. Okay. So, if they had a problem of walking into work
2 and having to look at that doll every day, is it your
3 belief that you should be able to require them to look
4 at it?
- 5 A. The doll was already gone by the time it was complained
6 about.
- 7 Q. I'm not talking about that time. I'm talking about
8 when you had it sitting on your desk at your computer
9 and people had to walk by and look at it in the course
10 of their work do you believe that it was inappropriate
11 for them to express opposition to the presence of that
12 doll?
- 13 A. It wasn't inappropriate to me. Why would I assume that
14 it would be inappropriate to anyone else, no.
- 15 Q. I think you misunderstood my question. If they thought
16 it was inappropriate, that the doll was
17 inappropriate --
- 18 A. Had I known that the doll was inappropriate to someone
19 at the time that the doll was there, then I would have
20 moved it. No one said that the doll was offending them
21 at all while the doll was there to me.
- 22 Q. So do you think it's your decision --
- 23 A. To management.
- 24 Q. You think it's your decision to make that decision?
- 25 MS. DAVIES: I'm sorry. What --

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- 1 BY MR. KAREGA:
- 2 Q. Do you think it was your decision to determine whether
3 that doll should be able to be on Oakwood's property
4 looking like that?
- 5 It was your decision; right?
- 6 A. It was my decision?
- 7 Q. Yeah.
- 8 A. It was given to me --
- 9 Q. If you didn't like it, it could go, if you liked it, it
10 had to stay; right?
- 11 A. No, that's not -- no.
- 12 Q. Good. Good. So now you went to Janice and you said I
13 think these four people are your possible suspects, and
14 Janice said what?
- 15 A. I didn't use the term "possible suspects." I don't
16 recall what Janice said. I don't recall how that
17 conversation ...
- 18 Q. Did Janice say why are you talking to me about this, I
19 don't care?
- 20 A. No, she didn't say that.
- 21 Q. Because she did care, didn't she?
- 22 A. Yeah, she cared.
- 23 Q. She cared about who told --
- 24 A. Her name was being -- and reputation was being
25 slandered as well so, of course, she cared.

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- 1 Q. Okay. How do you know she cared?
- 2 A. Because some days, you know, she actually sat and
3 talked to us leads about it. And she actually cried
4 like why is this happened to me, why is someone trying
5 to get me fired. So clearly she cared.
- 6 Q. When was that?
- 7 A. During the time frame that the whole -- about this
8 whole thing about her being called down to HR to be
9 talked to and, you know, it was -- I don't know exactly
10 when, but it was a unnecessary mess.
- 11 Q. So Janice called all the leads together crying in front
12 of you all about why was somebody doing this to her?
- 13 A. She didn't call us down to cry in front of us, you
14 know. Just talking in a meeting and she just -- I
15 mean, it hurt her so she just cried. Her intentions
16 weren't to cry in front of us. I mean, you know, it
17 just hurt. It hurt everybody.
- 18 Q. Did you ever hear Janice say I'm going to find out who
19 the person is --
- 20 A. No, no.
- 21 Q. I didn't finish my question before you said no.
- 22 A. Who the -- okay. You right. You right.
- 23 Q. So you know what was coming, huh?
- 24 A. Pretty much.
- 25 Q. If you going to say no no matter what I ask you --

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- 1 MS. DAVIES: Well, ask the question, because
2 I have on the record I'm going to find out who it is,
3 which I thought was a complete sentence, so ...
- 4 BY MR. KAREGA:
- 5 Q. Do you know of anything that Janice did to find out who
6 it was other than to talk to you?
- 7 A. No, I don't.
- 8 Q. Do you know if you ever found out who it was?
- 9 A. No, I don't.
- 10 Q. Did Janice know about the post --
- 11 A. She did.
- 12 Q. -- to your wife's Facebook?
- 13 A. She did, because I --
- 14 Q. How did she find out?
- 15 A. I told her about it. Again, you asked me that a little
16 while ago, and I told her about it.
- 17 Q. And so if you told her about that did she respond at
18 all about who called HR when she found out Gabby was
19 the one who post it?
- 20 A. Did my wife contact HR --
- 21 Q. No, I didn't ask you that.
- 22 A. No, I'm asking myself.
- 23 Q. Okay. All right.
- 24 MS. DAVIES: I'm sorry. What is the
25 question? I'm confused.

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1 MR. KAREGA: Read back the question.
 2 (The pending question was read back by the
 3 Court Reporter.)
 4 A. You was talking about Janice; right?
 5 BY MR. KAREGA:
 6 Q. Yes.
 7 A. Yes. And again, I'm not sure if my wife contacted HR
 8 already, because she was so pissed, or if Janice
 9 contacted HR when she found out. I don't recall which
 10 one contact HR first.
 11 Q. What I was asking you is did Janice say something to
 12 you along the lines of, oh, so it was Gabby who called
 13 HR?
 14 A. No, no.
 15 Q. She never told you that?
 16 A. No.
 17 Q. Do you know if Gabby was the one who called HR?
 18 A. I don't know.
 19 Q. All right. Did anyone meet with you around the
 20 complaint that Gabby made -- strike that.
 21 On the Facebook post -- strike that question.
 22 That's a bad question. That didn't come out right.
 23 It's so confusing, I'm not even going to ask you to
 24 answer it.
 25 You've had a really rough time in your

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1 A. Right.
 2 Q. And you got a written warning for that; correct?
 3 A. Correct.
 4 Q. Okay. Was that your first one?
 5 A. I guess.
 6 Q. Okay.
 7 A. Yeah.
 8 Q. Let's look at the next page, Page 968. It says that
 9 you were counseled for excessive absenteeism, no call,
 10 no show; correct?
 11 A. Correct.
 12 Q. March of 2011; correct?
 13 A. Correct.
 14 Q. And how many incidents were there, if you know?
 15 It says nine occurrences. Would you dispute
 16 that there were nine occurrences?
 17 A. If that's what it says. I can't dispute it if that's
 18 what it says.
 19 Q. You were only counseled for that; correct?
 20 A. Okay.
 21 Q. Next one is 969. You were counseled again for health
 22 screens.
 23 MS. DAVIES: 969 is the number down there.
 24 A. Oh, okay.
 25

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1 employment at Oakwood, haven't you?
 2 A. A rough time?
 3 Q. Yeah.
 4 A. Not at all.
 5 Q. No?
 6 A. No.
 7 Q. How many times have you been disciplined?
 8 A. That I don't know how many times.
 9 Q. More than ten?
 10 A. I don't think so.
 11 Q. You don't think so. Let me ask you about a few of
 12 them. I'm going to ask your lawyer if she can show you
 13 Page 967, which is a corrective action form.

14 MS. DAVIES: And objection as to relevancy on
 15 any line of questioning with respect to Darrin
 16 Johnson's prior discipline. Just give me a continuing
 17 and then I won't have to ...

18 BY MR. KAREGA:
 19 Q. This is an incident of January 13, 2011. Do you see
 20 that?
 21 A. Okay.
 22 Q. And it says that you took blood from the wrong patient
 23 and you mislabeled the specimen. Do you see that?
 24 A. Um-hmm.
 25 Q. Right?

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1 BY MR. KAREGA:
 2 Q. On January 1, 2013; right?
 3 A. Okay.
 4 Q. Do you dispute that discipline?
 5 A. You said do I?
 6 Q. Do you dispute it?
 7 A. No. It's right there.
 8 Q. Okay. Looking at number 970.
 9 A. Um-hmm.
 10 Q. August 13, 2013, excessive absenteeism, tardy, do you
 11 see that?
 12 A. I see it.
 13 Q. Nine occurrences within a rolling year. Do you see
 14 that? Do you dispute that number or the discipline?
 15 A. No.
 16 Q. We're looking at 972 now.
 17 A. Okay.
 18 Q. No show, no call on September the 2nd, 2013. Do you
 19 dispute that?
 20 A. No.
 21 Q. And that was less than a month after the previous
 22 counseling.
 23 A. What was the previous counseling again?
 24 Q. It was on August --
 25 A. Or what was it regarding?

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- 1 Q. It was regarding excessive absenteeism, tardy. This
2 was a no show, no call.
3 A. Okay.
4 Q. All right. Let's look at the next one, Page 973 in the
5 bottom right-hand corner. Once again, excessive
6 absenteeism, tardy; correct?
7 A. Okay.
8 Q. You don't dispute that, do you?
9 A. No.
10 Q. Look at the next one, 974, June 17, 2015, excessive
11 tardiness, call-offs, 19 occurrences in a year;
12 correct?
13 A. That's what it says.
14 Q. And you only got three days off for that, didn't you?
15 A. Did I?
16 Q. Yeah. Look over here, three days off.
17 A. Three days off.
18 Q. Next one is Page number 975, 7.5 occurrences through
19 July 12, 2016; correct?
20 A. Correct.
21 Q. You had previously gotten three days off in '15, but
22 this time you only got a written warning; correct?
23 A. Right. That was almost a year later.
24 Q. Almost a year?
25 A. Um-hmm.

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- 1 Q. The next one, 976, March 13, 2017, this year -- last
2 year. I'm sorry. A year ago tomorrow -- no, wait a
3 minute. A year ago today. Today's the 13th, isn't it?
4 One year ago, inappropriate behavior, expressing
5 yourself loudly and unacceptable for the workplace. Do
6 you see that?
7 A. Um-hmm. I see it.
8 Q. What happened there?
9 A. I don't recall. I don't know. I don't know.
10 Q. Did you get any time off for it?
11 A. It appears not.
12 Q. But did it involve another co-worker?
13 A. I don't regard what it was regarding. No, no.
14 Q. You don't?
15 A. It doesn't say.
16 Q. If it wasn't a co-worker, it must have been a patient,
17 wasn't it?
18 A. No, I'm sure it wasn't a -- no, it wasn't a patient.
19 Q. Expressing yourself loudly in an unacceptable for the
20 workplace. So what this says is that while you were on
21 the job your behavior was inappropriate on the job.
22 A. Okay.
23 Q. You don't remember what that was?
24 A. No, I don't remember.
25 Q. How many times has that happened?

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- 1 A. Clearly one time.
2 Q. At least one time, huh?
3 A. It has to be. It's right there.
4 Q. Did you appeal any of these incidents that we've just
5 gone through?
6 A. No. I mean, if I was guilty, why would I appeal them?
7 Q. You had a union, didn't you?
8 A. No, I'm not in the union, and even if I did --
9 Q. If you're guilty, you're guilty?
10 A. If I'm guilty -- well, I was in the union as far as the
11 blood drawn and stuff. So, yeah, if I'm guilty -- if I
12 did it, I did it. Yeah. I don't need to dispute it.
13 Q. Were you ever demoted, for instance?
14 A. Demoted, no.
15 Q. Were you ever fired?
16 A. No.
17 Q. Now, getting back to Alicia, how is it that she made
18 her transfer over to another hospital, do you know?
19 A. Because there was a job opening at another hospital.
20 She applied and got hired.
21 Q. And you what?
22 A. Not me. She applied and got hired.
23 Q. I know she applied. I thought you said "she applied
24 and I" ...
25 A. No, I did not say that.

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- 1 Q. All right. I gotcha. So after Alicia colored in the
2 face of this doll was there ever any disciplinary
3 action taken against her?
4 A. Not to my knowledge. No. Why would there have been?
5 No, no.
6 Q. Why would there have been?
7 A. Yes.
8 Q. Is that what you said?
9 A. Yes. There was no -- nothing wrong done.
10 Q. If management believed that the doll damaged the
11 reputation of the hospital, do you think there was
12 nothing wrong?
13 A. That's up to management. That's their decision. So I
14 don't know if they did or didn't, so ...
15 Q. But you do know that Alicia was never disciplined,
16 don't you?
17 A. From my knowledge, no, she wasn't.
18 Q. Even after you told people that she was the one who did
19 the doll like that; right?
20 A. I was told -- I assumed that it was her.
21 Q. And you told other people in the hospital that it was
22 her?
23 A. It was her, yes.
24 Q. And she admitted to you it was her?
25 A. No, she didn't admit to me it was her. I told you

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1 earlier that the way she responded with the way she
2 laughed I figured that, yeah, it may have been her. I
3 never said that she said to me that it was her, because
4 she didn't.
5 Q. And you all broke up, I think?
6 A. Yeah. We were broken up, but we were still friends.
7 Q. Broken up, but you all were still friends. You all
8 still friends today, aren't you?
9 A. No. We don't talk much today -- I mean now, no.
10 Q. Not much. How do you know she got married?
11 A. Because other people -- some people went to her
12 wedding. Some people she was friends with on Facebook
13 got pictures from her. That's how I know.
14 Q. Did she invite you to the wedding?
15 A. No, she didn't invite me to the wedding. No. I
16 wouldn't have went if she did.
17 Q. Some people would have, you know.
18 A. Not me.
19 MR. KAREGA: Well, give me a minute and I'll
20 be back with you.
21 (At 2:40 p.m., a brief recess was taken.
22 Back on the record at 2:52 p.m.)
23 MS. DAVIES: Do you have anything else?
24 MR. KAREGA: No, I don't have anything.
25

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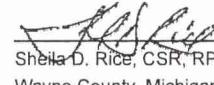
1 BY MS. DAVIES:
2 Q. If you know, though. What's your personal belief?
3 A. I believe because some of the previous absences and
4 tardies fell off.
5 Q. Okay. After a certain period of time?
6 A. After a certain period of time they fall off.
7 Q. And when we talked about your representation of the
8 doll is it your testimony that the doll as given to you
9 and as you changed it was a good representation of
10 yourself?
11 A. Yes.
12 Q. But did you believe that the doll as stated or seen in
13 Exhibit 1 is a good representation of you?
14 A. No.
15 MS. DAVIES: Nothing else.
16 MR. KAREGA: I don't have anything else.
17 (The deposition was concluded at 2:54 p.m.)
18 - - -
19
20
21
22
23
24
25

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1 (Deposition Exhibit 5 was marked for
2 identification.)
3
4 EXAMINATION
5 BY MS. DAVIES:
6 Q. Very briefly, Mr. Karega went through various
7 disciplines that you previously received. I just want
8 to ask you a quick question with respect to two of
9 them, okay.
10 With respect to Bates number 973, it appears
11 that -- excuse me. With respect to Bates number 974,
12 it appears that with respect to your excessive
13 tardiness and call-offs you received a three-day
14 suspension?
15 A. Yes.
16 Q. And then on 975 you again had a write-up -- or excuse
17 me. Bates number 975 you had a write-up with respect
18 to excessive tardiness and absences, but instead of
19 going to the next step you went to a written warning 1.
20 Do you know why you didn't progress to the
21 next step?
22 MR. KAREGA: Objection. That calls for
23 speculation. There's no foundation as to what the
24 state of mind was of the person who made that decision.
25

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1 STATE OF MICHIGAN)
2) SS
3 COUNTY OF WAYNE)
4
5 I, Sheila D. Rice, Notary Public within and for
6 the County of Wayne, State of Michigan, do hereby certify that
7 the witness whose attached deposition was taken before me in
8 the above-entitled matter was by me duly sworn at the
9 aforementioned time and place; that the testimony given by
10 said witness was stenographically recorded in the presence of
11 said witness and afterwards transcribed by computer under my
12 personal supervision, and that the said deposition is a full,
13 true and correct transcript of the testimony given by the
14 witness.
15 I further certify that I am not connected by
16 blood or marriage with any of the parties or their attorneys,
17 and that I am not an employee of either of them, nor
18 financially interested in the action.




Sheila D. Rice, CSR, RPR, RMR
Wayne County, Michigan
My commission expires: 9-12-22

17 (Pages 62 to 65)